

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

DAVID L. LAIL,

Plaintiff,

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant


Civil No. C06-5317 FDB

ORDER FOR REMAND

Based on the Stipulation between the parties, it is hereby ORDERED that the above-captioned case be REMANDED to the Commissioner of Social Security for further administrative proceedings. 42 U.S.C. § 405(g) (sentence four). On remand, the ALJ shall: 1) update the record; 2) re-evaluate the opinion of Dr. Neims giving specific and legitimate reasons if this opinion is rejected; 3) re-evaluate the opinion of Dr. Peterson, giving particular attention to the mental status examination, other test results, and Plaintiff's apparently limited activities of daily living; 4) give great weight to the Veteran's Administration disability rating and, if this rating

1 is rejected, provide specific, persuasive reasons, pursuant to *McCartey v. Massanari*, 298 F.3d
2 1072, 1076 (9th Cir. 2002); 5) reassess the residual functional capacity; 6) as necessary, obtain
3 vocational expert testimony; and 7) complete any other actions necessary to develop the record
4 and issue a new decision.
5

6 DATED this 19th day of December, 2006.

7
8
9
10
11
12 
13 FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

14 Recommended for Entry:

15 s/Karen L. Strombom
16 UNITED STATES MAGISTRATE JUDGE

17 Presented by:

18
19 s/ JEFFREY BAIRD
20 Special Assistant U.S. Attorney
21 Office of the General Counsel
22 701 Fifth Avenue, Suite 2900 MS/901
23 Seattle, Washington 98104-7075
24 Telephone: (206) 615-2205
25 FAX: (206) 615-2531
26 jeffrey.h.baird@ssa.gov
27